

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

*Your Committee on Human Affairs, to which was referred House Bill 2031, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 human services.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 12-7-2-28 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28. "Child" means the
- 7 following:
- 8 (1) **For purposes of IC 12-13-15, the meaning set forth in**
- 9 **IC 12-13-15-1.**
- 10 (2) For purposes of IC 12-17.2 and IC 12-17.4, an individual who
- 11 is less than eighteen (18) years of age.
- 12 ~~(2)~~ (3) For purposes of IC 12-26, the meaning set forth in
- 13 IC 31-9-2-13(d).
- 14 SECTION 2. IC 12-7-2-76.7 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 76.7. "Emergency medical services", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-2.**

SECTION 3. IC 12-7-2-124.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 124.5. "Local child fatality review team", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-3.**

SECTION 4. IC 12-7-2-129.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 129.5. "Mental health provider", for purposes of IC 12-13-15, has the meaning set forth in IC 12-13-15-4.**

SECTION 5. IC 12-13-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 15. Child Fatality Review Teams

Sec. 1. As used in this chapter, "child" means an individual less than sixteen (16) years of age.

Sec. 2. As used in this chapter, "emergency medical services" means the provision of emergency ambulance services or other services, including extrication and rescue services, utilized in serving an individual's need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

Sec. 3. As used in this chapter, "local child fatality review team" refers to a county or regional child fatality review team established under this chapter.

Sec. 4. As used in this chapter, "mental health provider" means any of the following:

- (1) A registered nurse or licensed practical nurse licensed under IC 25-23.**
- (2) A clinical social worker licensed under IC 25-23.6-5.**
- (3) A marriage and family therapist licensed under IC 25-23.6-8.**
- (4) A psychologist licensed under IC 25-33.**
- (5) A school psychologist licensed by the Indiana state board of education.**

1 (6) An individual who claims to be a mental health provider.

2 **Sec. 5. (a) A county may establish a county child fatality review**
 3 **team for the purpose of reviewing the death of a child that is:**

4 (1) sudden;

5 (2) unexpected; or

6 (3) unexplained.

7 (b) The legislative body of a county (as defined in IC 36-1-2-9)
 8 **must determine by majority vote whether the county will establish**
 9 **a local child fatality review team.**

10 (c) If a county elects not to establish a county child fatality
 11 review team, the county may join with one (1) or more other
 12 counties that have not established a county child fatality review
 13 team and form a regional child fatality review team.

14 (d) To establish a regional child fatality review team as
 15 described in subsection (c), the legislative body of each county
 16 comprising the region must cast a majority of votes in favor of
 17 establishing a regional child fatality review team.

18 **Sec. 6. A child fatality review consists of determining:**

19 (1) whether similar future deaths could be prevented; and

20 (2) agencies or resources that should be involved to
 21 adequately prevent future deaths of children.

22 **Sec. 7. (a) A local child fatality review team consists of the**
 23 **following members:**

24 (1) A coroner or deputy coroner from the area served by the
 25 local child fatality review team.

26 (2) A representative from a:

27 (A) corporation (as defined in IC 16-22-8-2);

28 (B) local health department established under IC 16-20-2;

29 or

30 (C) multiple county health department established under
 31 IC 16-20-3;

32 **from the area served by the local child fatality review team.**

33 (3) A physician residing or practicing medicine in the area
 34 served by the local child fatality review team.

35 (4) A representative of law enforcement from the area served
 36 by the local child fatality review team.

37 (5) A representative from an emergency medical services
 38 provider doing business in the area served by the local child

- 1 fatality review team.
- 2 (6) A representative of the division of family and children
- 3 from the area served by the local child fatality review team.
- 4 (7) A representative of the prosecuting attorney from the area
- 5 served by the local child fatality review team.
- 6 (8) A pathologist with forensic experience who is licensed to
- 7 practice medicine in Indiana.
- 8 (9) A representative from a fire department or volunteer fire
- 9 department (as defined in IC 36-8-12-2) from the area served
- 10 by the local child fatality review team.
- 11 (b) If a local child fatality review team is established in one (1)
- 12 county, the legislative body that voted to establish the local child
- 13 fatality review team under section 5 of this chapter shall:
- 14 (1) adopt an ordinance for the appointment and
- 15 reappointment of members of the local child fatality review
- 16 team; and
- 17 (2) appoint members to the local child fatality review team
- 18 under the ordinance adopted.
- 19 (c) If a local child fatality review team is established in a region,
- 20 the county legislative bodies that voted to establish the local child
- 21 fatality review team under section 5 of this chapter shall:
- 22 (1) each adopt substantially similar ordinances for the
- 23 appointment and reappointment of members of the local child
- 24 fatality review team; and
- 25 (2) appoint members to the local child fatality review team
- 26 under the ordinances adopted.
- 27 (d) A member of the local child fatality review team may be
- 28 removed by a majority vote of the other local child fatality review
- 29 team members.
- 30 Sec. 8. A local child fatality review team may have additional
- 31 members from the following categories:
- 32 (1) A representative of a hospital located in the county or
- 33 region served by the local child fatality review team.
- 34 (2) A mental health provider providing services in the county
- 35 or region served by the local child fatality review team.
- 36 (3) A representative from a juvenile or a probate court in the
- 37 county or region served by the local child fatality review
- 38 team.

1 **(4) Other representatives requested to serve by the members**
2 **of the local child fatality review team.**

3 **Sec. 9. (a) Any member of a local child fatality review team may**
4 **serve as chairperson. The chairperson shall be elected by the**
5 **members of the local child fatality review team at the first meeting**
6 **of the local child fatality review team.**

7 **(b) The local child fatality review team shall meet at the call of**
8 **the chairperson.**

9 **(c) The local child fatality review team chairperson shall**
10 **determine the agenda for each meeting.**

11 **Sec. 10. (a) Except as provided in subsection (b), meetings of a**
12 **local child fatality review team are open to the public.**

13 **(b) Meetings of a local child fatality review team that involve**
14 **confidential records or identifying information regarding the death**
15 **of a child that is confidential under state or federal law shall be**
16 **held as executive sessions.**

17 **(c) If an executive session is held under subsection (b), each**
18 **individual who:**

19 **(1) attends a meeting of the local child fatality review team;**
20 **and**

21 **(2) is not a member of the local child fatality review team;**
22 **shall sign a confidentiality statement prepared by the division. The**
23 **local child fatality review team shall keep all confidentiality**
24 **statements signed under this subsection.**

25 **Sec. 11. Members of a local child fatality review team and**
26 **individuals who attend a meeting of a local child fatality review**
27 **team as an invitee of the chairperson:**

28 **(1) may discuss among themselves confidential matters that**
29 **are before the local child fatality review team;**

30 **(2) are bound by all applicable laws regarding the**
31 **confidentiality of matters reviewed by the local child fatality**
32 **review team; and**

33 **(3) except when acting:**

34 **(A) with malice;**

35 **(B) in bad faith; or**

36 **(C) with negligence;**

37 **are immune from any civil or criminal liability that might**
38 **otherwise be imposed as a result of sharing among themselves**

1 confidential matters that are before the local child fatality
2 review team.

3 **Sec. 12. The division shall provide training to local child fatality**
4 **review teams.**

5 **Sec. 13. (a) The division shall collect and document information**
6 **surrounding the deaths of children reviewed by local child fatality**
7 **review teams. The division shall develop a data collection form that**
8 **includes:**

- 9 (1) identifying and nonidentifying information;
- 10 (2) information regarding the circumstances surrounding a
- 11 death;
- 12 (3) factors contributing to a death; and
- 13 (4) findings and recommendations.

14 **(b) The data collection form developed under this section must**
15 **also be provided to:**

- 16 (1) the appropriate community child protection team; and
- 17 (2) the appropriate:
 - 18 (A) corporation (as defined in IC 16-22-8-2);
 - 19 (B) local health department established under IC 16-20-2;
 - 20 or
 - 21 (C) multiple county health department established under
 - 22 IC 16-20-3.

23 **Sec. 14. (a) All public inquiries concerning local child fatality**
24 **review teams must be directed to the division.**

25 **(b) The division's annual report shall be made available to the**
26 **public. The division may not charge more than the amount set by**
27 **IC 5-14-3-8 to offset the cost of copying the annual report.**

28 SECTION 6. IC 16-18-2-225.8 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 225.8. "Mental health
30 provider", for purposes of IC 16-36-1.5, has the meaning set forth in
31 ~~IC 16-36-1.5-1~~ **IC 16-36-1.5-2.**

32 SECTION 7. IC 34-30-2-43.8 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2001]: **Sec. 43.8. IC 12-13-15-11 (Concerning**

- 1 **members of a local child fatality review team and persons who**
- 2 **attend a meeting of a local child fatality review team as an invitee**
- 3 **of the chairperson).**

(Reference is to HB 2031 as introduced.)

and when so amended that said bill do pass.

Representative Summers